

Application S/N 10/728,336
Amendment dated: May 27, 2005
Response to Office Action dated: March 31, 2005

CE11662JME

REMARKS/ARGUMENTS

Claims 1-24 are pending in the application. In the Office Action, claims 1-5 and 22-24 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,574,625 to Ohgami, et al. (Ohgami). Claims 7, 8, 10, 14, 16 and 17 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,554,822 to Gilpin, et al. (Gilpin). Claims 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ohgami in view of U.S. Patent No. 6,406,321 to Hayashi, et al. (Hayashi). Claims 9, 12 and 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gilpin in view of U.S. Patent No. 4,635,225 to Imai, et al. (Imai). Finally, claims 15 and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gilpin.

A brief summary of the Ohgami and Gilpin references may be helpful here. Ohgami discloses a portable information processing apparatus having multiple rotatable port covers. In particular, Ohgami shows in FIGs. 7-9 a connector cover 22 that is rotatably mounted to a housing of the processing apparatus. As best seen in FIG. 8, the connector cover 22 is attached to the housing through a hinge. Another cover 104 is attached to a body case 10 of the processing apparatus through a hinge, and another cover 108 is attached to the connector cover 22 through a hinge.

Gilpin discloses a sealable, latchable door for securing and protecting a PC memory card. The door assembly in Gilpin has a door that is attached to a hinge, and the hinge is attached to a connecting plate slidably mounted in a housing (see column 3, lines 10-13). In addition, when the door assembly is in an extended, disengaged position, the door and the hinge can be pivoted between a lowered, open position (see FIG. 1) and a raised, intermediate position (see FIG. 6). The door is secured in a closed, sealed position through a latch 36 (see FIG. 1).

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Independent claims 1 and 22 have been amended to clarify that the cover is at least partially made of a flexible material. Support for the amendments can be found in paragraph 45 on page 12 of the application. Both the covers described in Ohgami and Gilpin are made of a stiff material. Specifically, these covers require the use of hinges to permit the cover to move towards or away from the body of the apparatus to which they are rotatably coupled. In contrast, the flexible material of the connector cover of the present invention permits the cover to move from first and second positions and remain in those positions without the use of any hinges. Hinges add expense to the final product and are susceptible to wear and tear.

Independent claim 7 has been amended to clarify that the flap remains in the second position irrespective of the positioning of the accessory cover or the communication device. Support for the amendment can be found in paragraph 30 on pages 8 and 9 of the application. Clearly, the door (i.e., cover) described in Gilpin does not support such a feature, as the door is coupled to a hinge that permits the door to freely rotate from one position to another. In fact, the door assembly in Gilpin includes a latch to secure the door to a housing when the door is in the closed position. A latch would not be necessary unless the door were freely rotatable, and if the door is freely rotatable, then the door cannot stay in an open position irrespective of the positioning of the device to which it is attached.

In view of the above, Applicants now believe that independent claims 1, 7 and 22 are patentable over the prior art. Applicants also believe that those claims that depend from independent claims 1, 7 and 22 are now patentable, in view of both their dependence from claims 1, 7 and 22 and their independent patentability.

Reconsideration and withdrawal of the rejection of the claims is respectfully requested.

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Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.


The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

Respectfully submitted,

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